

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:14cv308**

PRISCILLA ANN HARRIS,)
)
Plaintiff,)
)
v.)
)
CAROLYN W. COLVIN,)
Commissioner of Social Security,)
)
Defendant.)
)

ORDER

Pending before the Court is the Consent Motion for Attorney Fees [# 17].

Plaintiff moves the Court to award attorney's fees paid by the Commissioner of Social Security ("Commissioner") pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). The Commissioner consents to the award of fees in this case. Upon a review of the record, Plaintiff's motion, and the relevant legal authority, the Court **GRANTS** the Motion [# #17].

I. Analysis

Plaintiff moves the Court for an award of \$4,240.00 for full settlement in satisfaction of any and all claims for attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). In light of the Court's prior remand of this matter pursuant to the Consent Motion to Remand, and in the absence of any contention by the Commissioner that her position was substantially justified or that

special circumstances exist that would render an award of attorney's fees unjust, the Court concludes that the Plaintiff is entitled to an award of attorney's fees under the EAJA.

The Plaintiff requests that the EAJA award be paid directly to Plaintiff's counsel as her assignee. In support of this request, the Plaintiff has submitted a copy of her Assignment of EAJA fees to counsel. The Court finds that the Commissioner should accept this assignment of the awarded fees by the Plaintiff to her attorney and upon receipt of such assignment, the Commissioner will pay that award of fees directly to Plaintiff's counsel, provided that it is shown that as of the date of this Order, the Plaintiff does not owe any debt to the United States Government which is subject to offset. See Astrue v. Ratliff, 560 U.S. 586, 589 (2010). The Court, therefore, **GRANTS** the Consent Motion for Attorney Fees [# 17].

II. Conclusion

The Court **GRANTS** the Consent Motion for Attorney Fees [# 17]. The Court **AWARDS** Plaintiff attorney's fees in the amount of \$4,240.00, which sum is in full satisfaction of any and all claims by the Plaintiff in this case pursuant to 28 U.S.C. § 2412(d). The Court **DIRECTS** the Commissioner to inform Plaintiff's counsel whether the Plaintiff owes a debt to the Government by which this fee award may be offset no later than thirty (30) days from entry of this Order.

Within the same time period, the Plaintiff shall provide a valid fee assignment to the Defendant. In the event that past-due benefits are awarded on remand, the Plaintiff shall have thirty (30) days after being served with notice of the past-due benefits award to file for an award of fees pursuant to the Social Security Act, 42 U.S.C. § 406(b). Finally, no additional Petition pursuant to 28 U.S.C. § 2412(d) may be filed.

Dennis L. Howell
Dennis L. Howell
United States Magistrate Judge

